



TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/662,487	
	Filing Date	09/15/2003	
	First Named Inventor	Kyle Broussard	
	Art Unit	3617	
	Examiner Name	Wright, Andrew	
Total Number of Pages in This Submission	14	Attorney Docket Number	

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Robert N. Montgomery
Signature	<i>Robert N. Montgomery</i>
Date	11-15-04

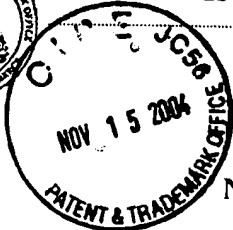
CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name	Linda Montgomery	
Signature	<i>Linda Montgomery</i>	Date 11-15-04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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10/662,488
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Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 8/23/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See 37 CFR 1.121(c)(2) and (3) regarding claims 1, 14, 15

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Legal Instruments Examiner (LIE)

Telephone No.

ANDREW D. WRIGHT
PRIMARY EXAMINER

11/2/04

11-17-c4

IFW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE,

DATE: 17 August 2004

APPLICANT: Kyle Broussard

SERIAL NO. 10/662, 487

GROUP ART UNIT: 3617

FILED: 9/15/2003

EXAMINER: Wright, Andrew

FOR: Method and apparatus for Air-cooled Outboard Motor for Small Marine Craft.

The Honorable Commissioner of Patents & Trademarks
P.O. Box 1450 Alexandria, VA 22313-1450

AMENDMENT

In response to the office action mailed 7/28/2004, please amend the above-identified application as follows:

In the specification

Please amend page 6 line 13 after "air cooled" insert --utility --

This is not considered new matter and is meant to clear up any misunderstanding regarding the type of engines referred to in the specification. Antecedence can be found in the drawings and descriptions identifying the types of engines used in the prior art for portable outboard engines currently used for mud boat or shallow draft watercraft and described herein as being light weight, relatively low horsepower, and the like.

IN THE CLAIMS

Please amend the claims as follows:

1. (Amended) ~~A transom mounted, air cooled drive system for shallow draft marine watercraft comprising a vertical drive housing having an upper and a lower end and means for closely attaching an air cooled engine perpendicularly to said drive housing,~~